REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-45 are pending in the application, and that claims 1-45 are rejected. Applicant notes that no prior art rejections have been made in the present application, and therefore, assumes subject to the double-patenting rejection, that the present application is in allowable form. By this amendment, claim 5 has been amended. Thus, claims 1-45 remain pending in the application. The Examiner's rejections are traversed below.

Rejection Under 35 U.S.C. §101 for Same Invention Double-Patenting

Claims 1-45 stand rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-43 of prior U.S. Patent No. 6,360,193, which is commonly owned by 21st Century Systems, Inc. Applicant respectfully traverses this rejection. In particular, independent claims 1 and 43-45 of the present application are all of different scope as compared to independent claims 1 and 41-43 of U.S. Patent No. 6,360,193. The only questionable claim that may be identical is dependent claim 7 of the present application that depends from dependent claim 5 which in turn depends from independent claim 1, which Applicant believes is still not identical to independent claim 1 of U.S. Patent No. 6,360,193. In any event, applicant has further amended dependent claim 5 to recite that the plurality of collaborating intelligent agents exhibit autonomous behavior and engage in at least one of a human –simulated and human-like decision making process, thereby further limiting dependent claim 5 in a manner that is not present in any of claims 1-43 of U.S. Patent No. 6,360,193. Accordingly, Applicant respectfully submits that all of claims 1-45 of the present application are of a different patentable scope then claims 1-43 of U.S. Patent No. 6,360,193. In order to expedite prosecution, Applicant is submitting herewith a terminal disclaimer to remove the possibility of any obviousness-type double patenting rejection.

As stated by the Federal Circuit and CCPA:

> ***Studiengesellschaft Kohle mbH v. Northern Petrochemical Co.***, 228 USPQ 837, 840 (Fed. Cir. 1986) (per curiam) (quoting ***In re Vogel***, 422 F.2d 438, 441, 164 USPQ 619, 621–22 (C.C.P.A. 1970)) (emphasis added)
>
> By "same invention" we mean **identical subject matter**. Thus the invention defined by a claim reciting "halogen" is not the same as that defined by a claim reciting "chlorine," because the former is broader than the latter. . . . A good test, and probably the only objective test, for "same invention," is whether one of the claims would be literally infringed without literally infringing the other. If it could be, the claims do not define **identically** the same invention.

Therefore, Applicant respectfully submits that claims 1-45 of the present application do not recite the "same invention" as recited in claims 1-43 of U.S. Patent No. 6,360,193. Withdrawal of this rejection is respectfully requested.

For all the reasons advanced above, Applicant respectfully submits that the Application is in condition for allowance, and that such action is earnestly solicited.

Authorization

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted

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